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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/624,941

07/21/2003

Michael Xie

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7695

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12/11/2008

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EXAMINER

SAN JUAN, MARTINJERIKO P

ART UNIT

PAPER NUMBER

2432

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/624,941	Applicant(s) XIE, MICHAEL	
	Examiner MARTIN JERIKO P. SAN JUAN	Art Unit 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13, 14, 17-22 and 27-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 13, 14, 17-22 and 27-39 is/are allowed.
- 6) ☒ Claim(s) 40-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/16/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a response to Applicant's Remarks filed on July 16, 2008.

Claims 1-10, 13-14, 17-22, and 27-42 are currently pending.

Response to Arguments

1. Applicant's arguments, see Remarks, filed July 16, 2008, with respect to claims 1-10, 13-14, 17-22, and 27-42 have been fully considered and are persuasive. The rejection of claims 1-10, 13-14, 17-22, and 27-42 has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made for claims 40-42 in view of newly cited references by Makinson.

Allowable Subject Matter

1. Claims 1-10, 13-14, 17-22, and 27-39 are allowed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Makinson [US 7023861 B2].

Regarding claim 40, Makinson teaches a device for managing network traffic flow, the device comprising: a first processor [Makinson Fig 8, Itm 14], the first processor

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configured to receive network traffic content [Makinson 4: 31-34], pass a first portion of the network traffic content downstream [Makinson 4: 57-59], and pass a second portion of the network traffic content to a stack [Makinson 5: 4-12 --Examiner notes it is inherent that a buffer/stack exist when a mixture of previous data packets are retained to be concatenated into complete data files upon receipt of corresponding latest data packet for scanning.] for allowing the second portion to be scanned for content that is desired to be detected [Makinson 4: 59-64]; and a second processor [Makinson Fig 8, Itm 16'] that is configured to scan the second portion for the content desired to be detected [Makinson 6: 18-30].

Regarding claim 41, Makinson teaches the device of claim 40, wherein the first or the second processor is further configured to pass the second portion downstream after the second portion is scanned [Makinson 5: 32-36].

Regarding claim 42, Makinson teaches the device of claim 40, wherein the first portion of the network traffic content is not scanned for the content that is desired to be detected [Makinson 4: 57-59].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN JERIKO P. SAN JUAN whose telephone number is (571)272-7875. The examiner can normally be reached on M-F 8:30a - 6:00p EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MJSJ/

Martin Jeriko San Juan
Examiner, Art Unit 2432

/Gilberto Barron Jr/

Supervisory Patent Examiner, Art Unit 2432